

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOUSTON JAMES KIRKALDIE,

Defendant.

Case No. 1:18-cr-199

**UNITED STATES' RESPONSE TO
MOTION FOR FURLOUGH TO
UNDERGO DRUG AND ALCOHOL
EVALUATION AT CIRCLE OF
LIFE CENTER**

The United States of America, by Christopher C. Myers, United States Attorney for the District of North Dakota, and Rick L. Volk, Assistant United States Attorney, objects to the Defendant Houston James Kirkaldie's motion for furlough wherein he requests release to attend a substance abuse evaluation at the Circle of Life Center in New Town, ND, on March 5, 2019, for the following reasons:

1. Mr. Kirkaldie was on federal supervised release in criminal case number 4:14-cr-049 (conspiracy to distribute controlled substances). A petition to revoke his supervised release was filed on May 1, 2018. (Docket Entry 64) Mr. Kirkaldie was arrested, but released on conditions thereafter. (Docket Entry 70) Mr. Kirkaldie's final revocation hearing was scheduled for July 16, 2018. (Docket Entry 74) However, Mr. Kirkaldie failed to appear for that hearing, and a bench warrant was issued for his arrest. (Docket Entry 78) Mr. Kirkaldie was arrested on the warrant on or about September 18, 2018. (Docket Entry 83) He was thereafter detained. (Docket Entry 81) His revocation hearing was thereafter held, and Mr. Kirkaldie was sentenced to 6

months imprisonment, with 6 months of supervised release. (Docket Entry 86)

Given Mr. Kirkaldie's failure to abide by his conditions of supervision, and his failure to appear after release, he is not an appropriate candidate for release for an evaluation and/or treatment.

2. Mr. Kirkaldie is alleged to have committed the instant offense conduct charged in this case in part while he was a fugitive and subject to the bench warrant noted above.
3. In his motion, Mr. Kirkaldie proposes to be released to the custody of Ferrin Wells, whom he identifies as a Peer Support Advocate for the MHA Nation. Ms. Wells is a charged defendant in another Federal criminal matter, wherein she is charged (along with a number of others) with Conspiracy to Distribute Oxycodone and Distribution of Oxycodone (Case No. 1:18-cr-038). Ms. Wells is on pretrial supervision with the US Pretrial Services Office. There is no indication in Mr. Kirkaldie's motion that the US Pretrial Services Office is aware of this proposal, nor approved the same.

Based on the foregoing, the United States respectfully requests this Court deny the Defendant's motion for furlough.

Dated: February 28, 2019

CHRISTOPHER C. MYERS
United States Attorney

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